

FINAL

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, February 1, 2012

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

Perry Bolyard, Chairman
Lindsay Holt
Joseph L. Scott
James S. Jones, Alternate
Dennis Peters
Jennifer Shah
Gordon Walker

City Staff:

Brian Berndt, Planning Director
Morgan Brim, City Planner
Liane Stillman, City Manager
Shane Topham, City Attorney
Linda Dunlavy, Administrative Services Director
Natalie Callahan, Youth City Council Representative

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS – CHAIR BOLYARD

Chairman Perry Bolyard called the meeting to order at 6:00 p.m.

2.0 CITIZEN COMMENTS

Bruce Baird remarked that the discussions that took place during the work session should have been dealt with in the Business Meeting. He stated that that practice does not comply with the Open Meetings Act.

3.0 ACTION ITEMS

3.1 (Project #TA-11-011) Action taken on a proposal to adopt the Canyon Residential Development New Zoning Category to the Cottonwood Heights Municipal Code.

A Commission Member stated that just because the matter was discussed at previous meetings, the Commission Members had not yet made up their minds about the request. He wanted to make sure that the changes were discussed in sufficient detail. He noted that the matter was reviewed during the January meeting at which time various votes were taken that were diametrically opposed. Since then, staff has reviewed various factors. He asked that staff report on the ease of administering the statute.

Planning Director, Brian Berndt reported that staff provided the Commission Members with the incorporated changes recommended by staff as well as suggestions to modify the density and the application to eliminate some density bonus factors. He felt there were options with the ultimate goal being a sustainable product that encourages good development. He felt both suggestions accomplish that. It was verified that the draft resulted from comments made at the previous meeting by the public and Mr. Baird.

City Attorney, Shane Topham, remarked that Mr. Baird's view of the Open Meetings Act and the disclosure requirements for purposes of a work session differ from his. He felt that discussing the issues thoroughly in tonight's meeting would adequately address any of Mr. Baird's concerns.

A Commission Member identified the ongoing question of allowable density in the project as well as how to implement factors. He noted that originally the motion suggested a density factor of 155 units with bonus factors that would increase the density to 195 units. He noted that individual Commission Members supported various densities and considered the issue to be significant.

Commissioner Holt described a recent email pertaining to the CRD Ordinance with regard to density and bonus factors. She explained that the draft reviewed at the last meeting allowed for 155 permitted allowable units and 195 conditionally permitted allowable units. After reading the Tavaci Committee Report prepared in March of 2010 she came to believe perhaps that it would better benefit the public, who have concerns with the aesthetics of the project, and bringing the total permitted and conditionally permitted allowable units into line with the Committee Report. The report recommended 100 permitted units with a bonus density factor of 25% resulting in a maximum density of 125 units. Her first recommendation via email the previous week was to bring the number of units into line with that report, resulting in a total of 156 units.

Commissioner Holt's second recommendation was to remove the bonus density factors from the ordinance because they are vague and would cause conflict with any future developer who develops the site. She thought it would be best to make the bonus density contingent on the project being subject to a conditional use permit process. Additionally, all of the additional density beyond the 22 detached single-family dwelling units in the Hillside Development Area and the 18 detached single-family dwelling units in the Ridgeline Development Area should be situated within the Village Area.

(18:11:07) Commissioner Scott moved to accept the draft, as written, for Chapter 19.32, CRD Canyon Residential Development, with no changes. The motion died for lack of a second.

Commissioner Holt moved to recommend approval to the City Council of the CRD Canyon Residential Development Ordinance as drafted and amended with the most recent amendment provided to the Commission this evening as follows:

- 1. Beginning with Section 19.32.070 Section D, which allows for 125 permitted dwelling units allocated as follows:***
 - a. Twenty-two detached single-family dwelling units in the Hillside Development Area.***
 - b. Eighteen detached single-family dwelling units in the Ridgeline Development Area.***

- c. *Eight-five detached single-family dwelling units in the Village Area.*
- 2. *Section 19.32.080 Section C allows for all permitted and conditional uses within the project area to result in 156 dwelling units allocated as follows:*
 - a. *Twenty-two detached single-family dwelling units in the Hillside Development Area.*
 - b. *Eighteen detached single-family dwelling units in the Ridgeline Development Area with a resulting 116 detached or attached single-family or multi-family dwelling units in the Village Development Area.*
- 3. *Section 19.32.110, Maximum Net Density, should be modified to strike all of the bonus density factors resulting in a base density for the project of permitted uses of 2.8 units per acre and a conditionally permitted allowance of 3.5 units per acre.*
- 4. *It was recommended that additional revisions be allowed to allow for the requirement in the conditional use process of adding as conditions of approval bonus density factor number 1 and bonus density factor number 5.*
- 5. *Section 19.32.090 PUD Application Process was eliminated.*

Commissioner Peters seconded the motion.

(18:15:43) Commissioner Shah thanked the Commission and staff for their efforts and remarked that she considered what was proposed to be amenable to any developer. She hoped her fellow Commissioners would consider the proposed motion seriously.

Vote on motion: Lindsay Holt-Aye, Dennis Peters-Aye, Jennifer Shah-Aye, Gordon Walker-Aye, James S. Jones-Aye, Joseph L. Scott-Nay, Chair Parry Bolyard-Aye. The motion passed 6-to-1.

Commissioner Bolyard explained that the proposal would be forwarded on to the City Council for their consideration.

Lindsay Holt felt that the proposed ordinance represents the best compromise between the requests made to the City by all parties, regardless of who develops it. She remarked that the ordinance will allow the City to maintain decision-making abilities over the project site.

Gordon Walker thanked Commissioner Holt for her thoughtful review of the request.

Chair Bolyard thanked the Commission Members and staff for their work.

4.0 ADJOURNMENT

(18:19:45) *Commissioner Peters moved to adjourn. Commissioner Jones seconded the motion. Vote on motion: Joseph L. Scott-Aye, Gordon Walker-Aye, Lindsay Holt-Aye, Jennifer Shah-Aye, James S. Jones-Aye, Dennis Peters-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.*

I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Planning Commission Meeting held Wednesday, February 1, 2012.

A handwritten signature in black ink, reading "Teri Forbes". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: March 21, 2012